



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,026	06/11/2002	Atle Bjornerud	NIDN-10403	4684

36335 7590 01/30/2006

AMERSHAM HEALTH
IP DEPARTMENT
101 CARNEGIE CENTER
PRINCETON, NJ 08540-6231

EXAMINER

SMITH, RUTH S

ART UNIT	PAPER NUMBER
----------	--------------

3737

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/018,026
Filing Date: June 11, 2002
Appellant(s): BJORNERUD ET AL.

MAILED
JAN 30 2006
Group 3700

Amersham Health, Inc.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 1, 2005 appealing from the Office action mailed May 23, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,381,486	MISTRETTA et al	4-2002
5,128,121	BERG et al	7-1992
6,411,837	FISCHER	6-2002
2004/0208827	McMURRY et al	10-2004

Stark et al, "Magnetic Resonance Imaging" Mosby-Year Book, Volume One, 1992, pp 327-328

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 24,30-33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mistretta et al in view of Stark et al ("Magnetic Resonance Imaging"). Mistretta et al disclose that diagnostic studies of the human vasculature have many medical applications and that images showing the circulation of blood in the arteries and veins of the kidneys have immense diagnostic utility. Mistretta et al disclose a method of MRA which includes administering by injection a bolus of a blood pool MR contrast agent, generating a contrast enhanced MR image of a body part during the first pass of the contrast agent, generating at least one further MR image of the body part in a "steady state" portion of the exam when the contrast agent has become substantially uniform. Mistretta et al fails to specifically disclose providing a diagnosis of abnormalities in the kidneys using the MRA images. Stark et al disclose using MRA to examine the kidney to determine the presence of abnormalities such as renal stenosis. It would have been obvious to one skilled in the art to have modified Mistretta et al such that the method is used to examine the kidney and to determine the presence or absence of any conditions which can cause known abnormalities such as renal artery stenosis grade, renal perfusion, intra-parenchymal blood volume and parenchymal damage. The modification merely involves using the known method of examining vasculature, as disclosed by Mistretta et al, on the kidney to provide a diagnosis of such an organ as taught by Stark et al.

Claims 25-27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mistretta et al in view of Stark et al ("Magnetic Resonance Imaging") as applied to claim 24 above, and further in view of Berg et al. Berg et al disclose MRI where a blood pool contrast agent comprising a superparamagnetic contrast agent is used. The

contrast agent can include the particles as set forth in claims 26,27. It would have been obvious to one skilled in the art to have further modified Mistretta et al such that the contrast agent is the one disclosed by Berg et al. Such a modification merely involves the substitution of one known type of blood pool contrast agent for another.

Claim 28 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mistretta et al in view of Stark et al ("Magnetic Resonance Imaging") as applied to claim 24 above, and further in view of Fischer. Fischer discloses the use of a T_2^* - weighted image during a first pass of an MR contrast agent. It would have been obvious to one skilled in the art to have further modified Mistretta et al such that during the first pass of the contrast agent a T_2^* - weighted image is generated. Such a modification merely involves the substitution of one known type of image generated during the first pass of a contrast agent for another.

Claim 29 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mistretta et al in view of Stark et al ("Magnetic Resonance Imaging") as applied to claim 24 above, and further in view of McMurray et al. McMurray et al disclose the use of a T_1 - weighted image in combination with an MR contrast agent. The advantage of using a T_1 - weighted image is well known in the art. It would have been obvious to one skilled in the art to have further modified Mistretta et al such that during the steady-state portion of the examination a T_1 - weighted image is generated. Such a modification merely involves the substitution of one known type of image generated during a steady state portion of an MR contrast enhanced method for another.

(10) Response to Argument

It is respectfully submitted that one of ordinary skill in the art, in reading Mistretta et al in its entirety, would have recognized that Mistretta et al disclose that it is known to use X-ray imaging methods to provide images showing the circulation of blood in the arteries and veins of the kidneys and that the drawbacks of using such a method can be


overcome by using magnetic resonance angiography instead of x-ray to provide a diagnostic study of the vasculature in the kidney. It appears that the appellant is disregarding the first several paragraphs in the Mistretta et al patent in determining the scope of the disclosed invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

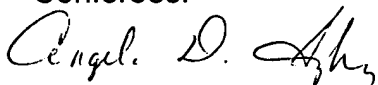
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Ruth S. Smith
Primary Examiner

Conferees:



ANGELA D. SYKES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700



BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700